UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America v. Hilda Argentina NORIEGA Rivera (A.K.A) Celia CISNEROS *Defendant*	)))))	Case No. 1:16 MJ 248-1

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 11/04/2015 in the county of Chatham in the Middle District of North Carolina, the defendant violated 42 U. S. C. § 408(a)(7)(B) an offense described as follows:

with intent to deceive, falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to him or to another person, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him or to such other person

This criminal complaint is based on these facts:

See Attached Affidavit

☑ Continued on the attached sheet.

[signature]
Complainant's signature

Luis Castrillon, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/6/16 11:15AM

[signature]
Judge's signature

City and state: Durham, North Carolina

Joe L. Webster, US Magistrate Judge
Printed name and title

1:16 MJ 248-1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

AFFIDAVIT

1. I, Luis Castrillon, am a Special Agent (S/A) of the Department of Homeland Security (DHS) under Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been employed for approximately five and a half (5 1/2) years and have completed the Criminal Investigator Training Program held at the Federal Law Enforcement Training Center, Glynco, GA. Previous to my appointment as an S/A, I was a U.S. Postal Inspector with the United States Postal Inspection Service for approximately six and a half (6 1/2) years. As part of my duties I conducted investigations related to controlled substances trafficking, identity theft, mail and wire fraud, violent crimes, and other violations. I am currently assigned to the HSI Resident Agent in Charge Raleigh, North Carolina Field Office (ICE RAC/RA) and my duties include investigating violations of Title 8, Title 18, Title 19 and Title 21 of the United States Code to include violations of Immigration offenses, contraband of prohibited goods into the United States, attempting to obtain U.S. visas by fraud, making false statements, and intellectual property rights infringements. In addition, I completed Graduate School at the University of New Haven, West Haven, CT, where I obtained a Master of Science in Forensic Science degree.

2. This affidavit is submitted as evidence of the probable cause supporting the arrest warrant for Hilda Argentina NORIEGA Rivera, also known as "Celia CISNEROS" for with intent to deceive, falsely represented a number to be the social security account number assigned by the Commissioner of Social Security to him or to another person, when in fact such number was not the social security account number assigned by the Commissioner of Social Security to him or to such other person, in violation of Title 42, United States Code, Section 408(a)(7)(B).

3. This affidavit is based upon information from my personal involvement in the investigation, supplied to me by other law enforcement officers, reviewing law enforcement

reports, and surveillance. This affidavit does not set forth all information known to HSI, about this case and is being submitted solely for the purpose of providing sufficient information to establish probable cause for support of a criminal complaint against VELASQUEZ-Flores for the above-mentioned violation.

Background

4. On July 2, 2016, your affiant received information from Siler City Police Department (SCPD) regarding an incident report filed by Rebeca Cardenas with the Marion County Sheriff's Office in South Carolina. Cardenas reported that while attempting to renew her government assistance with the South Carolina Department of Social Services (DSS), DSS showed that she allegedly was employed at McDonalds located at 1703 East 11th Street, Siler City, North Carolina, 27344.

5. In the course of this investigation, SCPD travelled to McDonalds located at 1703 East 11th Street, Siler City, North Carolina, 27344 and subsequently identified a young Hispanic female working under Cardenas name. This female was identified as Dora Velasquez-Flores.

6. On July 19, 2016, your affiant arrested Velasquez-Flores for violations of Title 42, United States Code, Section 408(a)(7)(B), misuse of social security number. Prior to interview, conducted in the Spanish language, Velasquez-Flores was advised of her Miranda rights. Velasquez-Flores also waived her rights by signing a warning and waiver form in the Spanish language. In the interview that followed, Velasquez-Flores stated that a McDonald's employee named "Porfiria" had hired her and gave her Cardenas' name to use for work purposes. Velasquez-Flores advised that she copied down Cardenas' name and other numbers from "Porfiria's" cell phone on a piece of paper.

7. Your affiant viewed the information written down by VELASQUEZ on this piece of paper and that information consisted of CARDENAS name, date of birth and social security number.

Investigation

8. Your affiant requested all Department of Homeland Security (DHS) - United States Citizenship and Immigration Service (USCIS), Employment Eligibility Verification forms (Form

I-9), verified and completed by "Porfiria". The Form I-9s were requested from an authorized representative for McDonald's who forwarded Form I-9s for approximately 40 employees for review.

9. Your affiant reviewed Form I-9 in the name of Celia CISNEROS with date of birth XX-XX-1985 and social security number XXX-XX-0871. This Form I-9 was electronically signed by CISNEROS on November 4, 2015.

10. Section 2 of Form I-9 indicates that CISNEROS presented social security card numbered XXX-XX-0871 and State of North Carolina Identification Card XXXXX521 to prove authorization to work in the United States.

11. Form I-9 shows that on November 20, 2015, McDonald's Department Manager II, Porfiria Rodriguez verified these identity documents.

12. Your affiant conducted a Law Enforcement database query an identified that State of North Carolina Identification Card numbered XXXXX521 is an invalid number.

13. On October 4, 2016, your affiant and other law enforcement agents travelled to CISNEROS'S residence, XXX Arrowpoint Ln, Bear Creek, NC and encountered an unknown Hispanic female. Upon answering the door, agents identified themselves as law enforcement agents and requested to speak with CISNEROS. The Hispanic female allowed agents to enter the home and got CISNEROS from the back bedroom.

14. Your affiant identified himself as a law enforcement agent and told CISNEROS he wanted to speak with her regarding her identity. CISNEROS immediately advised that CISNEROS was not her real name.

15. Your affiant advised CISNEROS that she was being detained and advised her of her Miranda rights. NORIEGA waived her rights by signing a waiver form in the Spanish language. She advised she wanted to cooperate and provided agents with her true name, Hilda Argentina NORIEGA Rivera. NORIEGA provided agents with her Honduran passport which bore the name Hilda Argentina NORIEGA Rivera and her photo. NORIEGA advised she knew it was wrong to be working at McDonald's using someone else's name.

16. Your affiant transported NORIEGA to the Homeland Security Investigations Office in Cary, NC for immigration processing. Records indicated that NORIEGA was granted a B1 Visa and legally entered the United States in 2015. Although NORIEGA had legally entered the United States she had overstayed her Visa. Alien File XXX XXX 418 was created in her name.

17. Your affiant conducted a custodial interview in the Spanish language. In the interview that followed NORIEGA advised that she obtained the name of Celia CISNEROS from Porfiria Rodriguez, the hiring manager at McDonald's. NORIEGA advised that she never possessed any identity documents in the CISNEROS name or knew CISNEROS'S date of birth or social security number. She claimed that she never filled out any application or any forms to work at McDonald's. Although, NORIEGA stated that she knew in order for her to gain employment in the United States a social security number was necessary.

Conclusion

11. Based on all of the foregoing, your affiant submits that there is ample probable cause to believe that Hilda Argentina NORIEGA Rivera, also known as "Celia CISNEROS", is in fact guilty of intent to deceive, falsely represented a number to be the social security account number assigned by the Commissioner of Social Security to him or to another person, when in fact such number was not the social security account number assigned by the Commissioner of Social Security to him or to such other person, in violation of Title 42, United States Code, Section 408(a)(7)(B), and respectfully ask that the Court issue a warrant ordering her arrest for such crime.

Further your affiant sayeth not.

Luis Castrillon
Special Agent
Homeland Security Investigations

SUBSCRIBED TO AND SWORN TO BEFORE ME
THIS 6th DAY OF October 2016. 11:15 AM

JOE L. WEBSTER
United States Magistrate Judge
Middle District of North Carolina